

JS-6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$451,624.51 SEIZED FROM FXDD
ACCOUNT NO. '7807 AND
\$106,300.29 SEIZED FROM FXDD
ACCOUNT NO. '7870,

Defendant.

Case No. SACV 14-00051 JLS-DFMx

JUDGMENT

The Court, having considered the motion (the “Motion”) of claimant Cornerstone Equity Fund, LLC (“Cornerstone”) for summary judgment [Dkt. 65], the opposition to the Motion (the “Opposition”) filed by claimants Nassim Bayat, Poupak Bayat, Charles Monroe, Wendy Carr, the Nacent Trust, and the Raymond G. Schreiber Trust (the “Non-Cornerstone Claimants”) [Dkt. 66], Cornerstone’s reply to the Opposition [Dkt. 74], and all other papers and pleadings filed in connection with the Motion and presented to the Court; and for the reasons set forth in the Court’s

1 May 5, 2015 Order Granting Claimant Cornerstone Equity Fund, LLC's Motion for
2 Summary Judgment [Dkt. 89],

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

4 1. Cornerstone is the innocent owner of the defendant funds (the "Funds"),
5 within the meaning of 18 U.S.C. § 983(d). Pursuant to 18 U.S.C. § 983(d)(1), the
6 Funds cannot be forfeited under 18 U.S.C. § 981(a)(1)(C).

7 2. The Non-Cornerstone Claimants are not innocent owners of the Funds
8 pursuant to 18 U.S.C. § 983(d) and are not entitled to recovery of the Funds, or any
9 portion thereof. Instead, as the innocent owner of the Funds, Cornerstone is entitled
10 to recover the Funds in their entirety, pursuant to a constructive trust.

11 3. The Government shall deliver the entirety of the Funds to Cornerstone
12 within twenty-one (21) days of entry of this Judgment.

13 4. Cornerstone shall distribute the Funds to its private investors (the
14 "Cornerstone Claimants") on a pro rata basis in accordance with these claimants'
15 respective claims.

16 IT IS SO ORDERED.

17
18


19 Dated: May 12, 2015

20 Honorable Josephine L. Staton
21 United States District Judge
22
23
24
25
26
27
28